

New Bedford Jan. 31st 1870
Messrs. Chas. W. Tabney & Co.,
Boston
Gentlemen

The 28th inst. came duly at hand, and by its final clause I suppose it was intended it to end the correspondence on your part.

In your second letter to me you stated that you wished to see me, about the boat for the Acaso.

Accordingly I visited your city for no other purpose than to make the necessary arrangements about the Boat and other matters pertaining to the fitting the Acaso.

In your office and to you I stated verbally in the presence of witness, my readiness and willingness to enter upon my duties and perform my part of the agreement existing between Messrs. Chas. W. Tabney & Sons at Napa and myself, in carrying out a certain contemplated whaling voyage in the Acaso.

You distinctly stated to me in the presence of that witness that you had no power or authority to act in the matter, and consequently could give me no authority to build Boat or anything else, and only required me to go to Boston and look up your boats and to ascertain the price of the boats, and to say, unless you feel unwilling to proceed without further instructions or agreement with the house at Napa on your own account, we see no reason for not ordering the Boat built at once.

To this I would say that I have received no instructions from Napa in regard to building of Boat, Shipping of officers, cargo and advances to be given them &c. as per agreement, neither have I received any instructions or authority whatever from you.

Under date of Jan. 28th you say that the order from Napa for the Boat to be built under my supervision was definite.

If so you have neglected to furnish me with the proper authority to act.

Again you say, "what we intended to say to you when there was that we would order the Boat under your supervision but if there was any doubt in your mind as to the agreement between yourself and Messrs. Chas. W. Tabney & Sons, then we felt we had no authority to order the Boat." I do not know what meaning you intended to convey by the words, "I understood you to say that you had no authority to act in the matter."

As regards the doubt in my mind concerning the agreement I distinctly stated to you that I came to offer myself as ready to carry out my part of the agreement, as the